IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINA APPLIACATION NO. 1324 OF 2006.
IN
CRIMINAL APPEAL NO. 76 OF 2006

Ashok Atmaram Sawant ..Applicant
V/s
The State of Maharashtra ..Respondent

Mr.N.V. Sawant, Advocate for the applicant

Mr. S.R. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 29TH JANUARY, 2007.

P.C.

. The applicant was convicted for the offence punishable under Section 307 and 324 of Indian of Penal Code and was sentenced to undergo RI for 7 years and two years respectively with fine of Rs.5000/- on each count. The applicant has preferred appeal against his conviction and sentence. Appeal is already admitted. By this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

2. Heard Mr. N.V. Sawant, learned Counsel for the

applicant and Mr. S.R. Shinde, learned APP for the State. According to the prosecution, the applicant used to reside just near Udipi Shrikrishna Hotel at Senapati Bapat Marg, Lower Parel, Bombay and used to unnecessarily harass the workers of that hotel. On 31/5/2001 at about 9.20 p.m. he picked up the quarrel with P.W. 1 Sundar Pujari and stabbed him with knife. When P.W. 2 Ranjit Roy another worker in the same hotel tried to intervene, the applicant assaulted him with knife and caused injury on his shoulder. After that the accused ran away. Immediately both the injured were taken to the hospital and FIR was lodged at about 1.30 A.M. The accused was in custody for about 7 months from the day of the incident and was granted bail during the trial. He was taken in custody again on 19/9/2005 after the impugned order of conviction and sentence. Thus, he has been in jail for about two yeas in this matter. Admittedly, there are no adverse antecedents of the present applicant. No other criminal case is registered against him. Prosecution has not given any reason about the alleged assault by the applicant. There is no allegation that the applicant had misused the bail during the trial. Taking into consideration the huge pendency of the criminal appeals, it may take long time

before being finally heard. In these circumstances, I find that the applicant may be granted bail.

2. For the aforesaid reasons, the applicant is granted bail on same terms and conditions as before the trial Court subject to his executing fresh bail bonds and depositing the fine amount with further conditions that he shall attend N.M. Joshi Marg Police Station on 1st and 15th day of every month between 5.00 p.m. to 7.00 p.m. till final disposal of the appeal and shall not misuse the bail.

(J.H. BHATIA, J.)